

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|  |   |                               |
|--|---|-------------------------------|
| In Re Application of:                  | ) |                               |
|  | ) | Confirmation No: 4057         |
| Jonathan Maron                         | ) |                               |
|  | ) | Group Art Unit: 2166          |
| Serial No.: 10/807,060                 | ) |                               |
|  | ) | Examiner: Johnson, Johnese T. |
| Filed: March 23, 2004                  | ) |                               |
|  | ) |                               |
| For: System and Method for Providing a | ) | Atty. Docket No.: 100202433-2 |
| Service in a Controlled Run-Time       | ) |                               |
| Environment                            | ) |                               |

**REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER**

Mail Stop: Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed September 18, 2009 has been carefully considered. In response thereto, please consider the following remarks.

**AUTHORIZATION TO DEBIT ACCOUNT**

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

## **REMARKS**

The Examiner has provided in the Examiner's Answer various responses to arguments contained in Appellant's Appeal Brief regarding the rejection of claims 1-20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Robertson* (U.S. Patent Publication No. 2002/0188538) in view of *Pace* (U.S. Patent Publication No. 2003/0050932).

Although the Examiner's Answer has added some additional remarks in response to Appellant's arguments, the substance of the rejections and the Examiner's positions have not changed. Accordingly, Appellant stands behind the arguments set forth in the Appeal Brief. In addition, Appellant addresses selected responses in the following.

On page 11 of the Examiner's Answer, the Examiner states that *Robertson* discloses: "[I]n paragraph [0286], a service requests to be invoked by the proxy. The proxy then begins an iterative check to determine if the service results in a stale exception. If the exception does not occur, the proxy continues it's check." In response, Appellant notes that the stale exception refers to a registrar maintaining a reference for a service that is no longer valid and needs to be updated by the registrar. The stale exception does not refer to invalid service information being provided from a local service. Accordingly, there is no need for the local service to be communicated of the stale exception, since the stale exception is caused by and fixed by the registrar in *Robertson*. See paras. 0285-0286. Further, *Robertson* discloses that a client is not notified by a smart proxy when a service is

unable to be located by the registry. Rather, the client waits a set period of time before rolling back its process and trying a different service.

The Examiner does not allege that *Pace* remedies the deficiencies of *Robertson* described above. Therefore, *Robertson* in view of *Pace* does not disclose the subject matter of claim 1, such as “determining by said proxy service whether the received service information is valid for a remote service requested to be invoked by said proxy service, wherein an exception is returned to said local service from said proxy service without communication of invalid service information to said remote service when a determination of invalid service information is made by said proxy service [and] communicating said service information to said remote service from said proxy service when a determination of valid service information is made by said proxy service,” as recited in claim 1.

As a result, the Examiner’s rejection of claims 1-9 is deficient and *Robertson* in view of *Pace* does not teach or suggest the subject matter of independent claims 1-9 under a 35 U.S.C. § 103(a) standard. Using similar reasoning, the cited art also does not teach or suggest the subject matter of remaining claims 10-20, as previously described in the Appeal Brief.

Therefore, for the reasons presented herein and the reasons earlier presented in the Appeal Brief, the cited reference is deficient in disclosing claimed features, and the arguments set forth in the Appeal Brief still stand. The rejections of the pending claims should be overturned.

In summary, it is Appellant's position that Appellant's claims are patentable over the applied cited art reference and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Appellant's pending claims.

Respectfully submitted,

By:     /Charles W. Griggers/

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